

Entered - 11/20/00 - sb  
CL00L0702 - DIANNE C. MITCHELL

CLAIM OF: **ELOISE SITES,**  
through her attorney,  
**Charles L. Day**  
**707 Whitlock Avenue**  
**Unit 7H**  
**Marietta, Georgia 30064**

**01- R-0278**

For damages alleged to have been sustained as a result of a personal injury on May 11, 2000 at the Atlanta Airport.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY Robert M. Gray DCA

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0702

Date: February 8, 2001

Claimant /Victim ELOISE SITES  
BY: (Atty)(Ins. Co.) Charles L. Day  
Address: 707 Whitlock Avenue, Unit 7H, Marietta, Georgia 30064  
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated  
Date of Notice: 11/09/00 Method: Written, proper X Improper     
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/11/00 Place: Atlanta Airport  
Department Aviation Division:     
Employee involved    Disciplinary Action:   

NATURE OF CLAIM: The claimant alleges she was injured on an escalator at the Atlanta Airport. The claim has been forwarded to the City's insurance carrier, AIG Aviation, for handling. The claimant's attorney has been advised of this action.

**INVESTIGATION:**

Statements: City employee    Claimant    Others    Written    Oral     
Pictures    Diagrams    Reports: Police    Dept Report    Other     
Traffic citations issued: City Driver    Claimant Driver     
Citation disposition: City Driver    Claimant Driver   


**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial     
Improper Notice    More than Six Months    Other X Damages reasonable     
City not involved    Offer rejected    Compromise settlement     
Repair/replacement by Ins. Co.    Repair/replacement by City Forces     
Claimant Negligent    City Negligent    Joint    Claim Abandoned   

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$    Adverse X Account charged: 1A01    2J01    2H01     
Claims Manager:  Concur/date 02-08-01  
Committee Action:    Council Action

**CHARLES L. DAY, P.C.**

A Professional Corporation  
Attorneys At Law

707 Whitlock Avenue  
Unit 7H  
Marietta, Georgia 30064  
November 8, 2000

Telephone: 770-424-0304  
Telecopier: 770-424-6218

City of Atlanta  
Aviation Department  
55 Trinity Ave., SW  
Suite 2400  
Atlanta, Georgia 30335

NOV - 11 2000  
ENTERED - 1-20-00 - SB  
00L0702 - DIANNE MITCHELL

Hand Delivery Via Courier

Attn: The Honorable William C. Campbell, Mayor

Re.: NOTICE OF CLAIM AGAINST THE CITY OF ATLANTA

Claimant: Eloise Sites  
Date of Injury: May 11, 2000  
Location of Injury: Hartsfield Atlanta International Airport

RECEIVED  
CITY OF ATLANTA  
N  
Logged: 11.15  
Date: 11.14

Dear Mayor Campbell:


I represent Eloise Sites and Ira John Sites in these claims. Please let the records of the City of Atlanta reflect that Ms. Sites is asserting claims against the City of Atlanta for the severe and permanent bodily injuries sustained by her on May 11, 2000 and that Mr. Sites is asserting his claim for the loss of consortium resulting from the bodily injuries to Ms. Sites. This notice is being presented pursuant to the provisions of OCGA § 36-33-5.

Ms. Sites' luggage (pullable luggage with rollers) became caught on a metal plate at the front of an escalator in the airport terminal while she was using the terminal and escalator in the normal and usual manner. When the luggage caught in the metal, Ms. Sites was jerked to the right side, backwards, and to the floor. The fall injured her left elbow and required surgery. Ms. Sites' fall was caused by the faulty design, construction and operation of the escalator, by the negligent maintenance of the escalator, by the maintenance of a nuisance and by the existence of a hazardous condition on the premises. Ms. Sites has incurred medical expenses as a result of the fall and has experienced severe pain and discomfort as a result of the injury. Mr. Sites' consortium with Ms. Sites has been damaged as a result of the injuries sustained by Ms. Sites.

Please be advised that Ms. Sites is asserting claims against the City of Atlanta in excess of \$50,000.00 as a result of her injuries. Mr. Sites is asserting his claim for loss of consortium with Ms. Sites for fair and adequate compensation..

A copy of this notice is being provided to each of the members of the Atlanta City Council simultaneously herewith, in care of Rhonda Johnson, Clerk of City Council of Atlanta.

Respectfully yours,

  
Charles L. Day

/ms

pc: Robb Pitts, Council member  
Vern McCarty, Council member  
Debi Starnes, Council member  
Michael Julian Bond, Council member  
Cleta Winslow, Council member  
Sherry Dorsey, Council member  
Cathy Woolard, Council member  
L. B. Jones, Council member

Clair Muller, Council member  
Felicia Moore, Council member  
Clarence T. Martin, Council member  
Jim Maddox, Council member  
Derrick Boazman, Council member  
"Able" Mable Thomas, Council member  
member  
Julia Emmons, Council member  
Dough Alexander, Council member

01-2-0278